

ASSIGNED

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No. 9732

Date of first receipt and filing in State Engineer's office _____
Returned to applicant for correction _____
Corrected application filed _____

The undersigned Pershing County Water Conservation District.
Name of applicant
of _____, County of _____,
State of _____, hereby make _____ application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.) _____

1. The source of the proposed appropriation is _____
Name of stream, lake, or other source
2. The amount of water applied for is _____ second-feet.
One-second-foot equals 40 miners' inches
3. The water to be used for _____
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
(Application to change point of diversion. See Supplemental sheet)
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE
FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Works to be located _____
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream _____
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about _____ and end about _____, of each year.
Month Month
- (i) Remarks _____

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works

6. Estimated time required to construct works

7. Remarks

For use of applicant

, Applicant.

By

Compared

This sheet inspected

, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

WITNESS MY HAND AND SEAL this day of ,

State Engineer.

WARRANTY DEED - Dated February 5, 1935 - ELLISON RANCHING CO. a corporation to UNITED STATES OF AMERICA all lands included in application No. 9732 excepting and reserving from the conveyance a tract of land along the east half of NW $\frac{1}{4}$ section 3, T. 35 N., R. 42 E., M.D.M. containing 13 acres more or less, together with all water rights appurtenant thereto.

Also W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2, T. 35 N., R. 42 E. and W $\frac{1}{2}$ of Section 34, T. 36 N., R. 42 E., excepting 12 acres in NE cor. of NE $\frac{1}{4}$ NW $\frac{1}{4}$ containing 388 acres, more or less with appurtenant water rights.

Also SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2 and E $\frac{1}{2}$ Sec. 3, T. 35 N., R. 42 E. together with appurtenant water rights, said exception and reservation not including water and water rights appurtenant to a tract in SW part of E $\frac{1}{2}$ Sec. 3, T. 35 N., R. 42 E. M.D.M. containing 67.7 acres, it being intention of Ellison Ranching Co. to convey to U. S. of America all water rights appurtenant to said tract of 67.7 acres.

DEED - Dated February 5, 1935, ELLISON RANCHING CO. a Corp. to RUSSEL LAND & CATTLE CO. a corp. conveys a tract of land along the east half NW $\frac{1}{4}$ Section 3, T. 35 N., R. 42 E. containing 13 acres with all appurtenant water rights. Also W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 2, T. 35 N., R. 42 E. and W $\frac{1}{2}$ of Section 34, T. 36 N., R. 42 E. excepting 12 acres in NE corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$, containing 388 acres with water rights appurtenant. Also SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, and E $\frac{1}{2}$ of Sec. 3, T. 35 N., R. 42 E. with water rights, excepting Ellison Ranching Co. reserves water rights appurtenant to a tract of 67.7 acres in SW part of East $\frac{1}{2}$ Sec. 3, T. 35 N., R. 42 E. M.D.M.

DEED - Dated February 5, 1935, ELLISON RANCHING CO. to Russel Land & Cattle Co. conveys right of way for purpose of conveying water by means of existing channel and ditches through NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10, T. 35 N., R. 42 E., M.D.M.

APPLICATION FOR PERMIT TO CHANGE THE
POINT OF DIVERSION AND PLACE OF USE OF THE PUBLIC
WATERS OF THE STATE OF NEVADA, ALREADY APPROPRIATED.

Date of first receipt and filing in State Engineer's Office MAR 23 1934
Returned to applicant for correction _____
Corrected application filed _____

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The undersigned, Pershing County Water Conservation District of Nevada, of Lovelock, County of Pershing, State of Nevada, hereby makes application for permission to change the point of diversion of the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give the date and place of incorporation.)

Pershing County Water Conservation District of Nevada, was organized March 5, 1927, at Lovelock, Pershing County, Nevada, under the Nevada Irrigation District Act.

1. The source of water supply proposed to be changed is Humboldt River.
2. The amount of water desired to be changed is approximately 103.877 second feet or 17315.87 acre feet/ or the total amount of water heretofore used and/or any amount of water that may hereafter be decreed to the ELLISON RANCHING COMPANY, a corporation, lands hereinafter described.
3. The water to be used for irrigation stock watering and domestic purposes.
4. The water is to be diverted from its source at the following point: W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 18, Twp. 30 N. Rge. 33 E. M.D.B.&M., thence Humboldt River and various ditches serving the land of the Pershing County Water Conservation District of Nevada; map showing said point of diversion heretofore filed with Application No. 9729; which by reference is made a part of this application.
5. The existing point of diversion under the former appropriation is as follows: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, Twp. 35 N. R. 43 E.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30; Twp. 35 N. Rg. 43 E.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Twp. 35 N. Rg. 43 E.
as per map hereto attached.

If water is to be used for Irrigation, supply the following information:

6. The water herewith desired to be changed has been beneficially and continuously used upon the following described lands:

The West one-half, the Southeast quarter, the Northwest quarter of the Northeast quarter of Section 20; all of Section 21; the Southwest quarter of Section 22; the West one-half, the Southeast quarter, the South one-half of the Northeast quarter, the Northwest quarter of the Northeast quarter of Section 28; all of Section 32; the West one-half of the East one-half, the East one-half of the Northwest quarter, the Northeast quarter of the Southwest quarter of Section 30; all of the West one-half, but 12 acres in the Northeast quarter of the Northwest quarter of Section 34; all in Township 36 North, Range 42 East. Mt. Diablo Meridian.

Also, all of Sections 4, 5, 7, 9, 17, 19, 29, 31 and 33, Township 35 North, Range 42 East, Mt. Diablo Meridian.

Also, all of Section 19; the Northwest quarter of Section 30; all of Section 31; in Township 35 North, Range 43 East, Mt. Diablo Meridian.

Also, the South one-half of the Northwest quarter, the North one-half of the Southwest quarter of Section 4; the Southeast quarter of the Southeast quarter of Section 8, all in Township 37 North, Range 44 East, Mt. Diablo Meridian.

Also, all of Section 13, South and West of the Humboldt River in Section 13; all of Sections 15, 22, 23, 24, 25, 26, and 27; the West one-half of the Northwest quarter, the Southwest quarter of the Southwest quarter of Section 2; all of Sections 3 and 10; the southwest quarter of the Northeast quarter, the Northwest quarter, the Southeast quarter of Section 14; and all that portion of the Northeast quarter of the Northeast quarter of Section 16 which lies North and East of the Central Pacific right of way in Section 16; all in Township 35 North, Range 42 East, Mt. Diablo Meridian.

Also, the Northeast quarter of Section 34; all of Section 35; the West one-half, the Southeast quarter of Section 36; in Township 35 North, range 42 East, Mt. Diablo Meridian.

Also, all of Section 6, less land sold to the Central Pacific Railway Company for right of way in Township 34 North, Range 43 East, Mt. Diablo Meridian.

7. The number of acres heretofore irrigated is 12717.47.
8. The number of acres proposed to be irrigated is land within the Pershing County Water Conservation District of Nevada, approximately 30,000 acres.
9. Description of the land proposed to be irrigated is as follows:

IN TOWNSHIP 27 North, Rge. 32 East.

3/4 of W $\frac{1}{2}$	Section 6.
SW $\frac{1}{4}$ south of C.P.R.R.	Section 7.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 18.

IN TOWNSHIP 27 North, Range 31 East.

W $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$;	Section 1
S $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$	Section 12
SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ south of S.P.R.R.	Section 13.
S $\frac{1}{2}$	Section 14
NW $\frac{1}{4}$; 28.5 a. in SE Cor. SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 22
S $\frac{1}{2}$ except that part of W $\frac{1}{2}$ SE $\frac{1}{4}$	
West of S.P.R.R.	Section 23.
All lying east of City of	
Lovelock and S.P. R. R.	Section 26.
SW $\frac{1}{4}$	Section 27
S $\frac{1}{2}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$	Section 28
SW $\frac{1}{4}$	Section 29
E $\frac{1}{2}$ SW $\frac{1}{4}$	Section 32
All	Section 33
All	Section 34
All Section 35	Section 35
All	Section 36

IN TOWNSHIP 26 North, Rge. 31 East.

All west and south of Humboldt	
River	Section 1
All	Section 2
All	Section 3.
All	Section 4
All	Section 5
All	Section 10
All	Section 11
All	Section 12
All	Section 13
All	Section 14
All	Section 15
All	Section 16
S $\frac{1}{2}$	Section 20
All	Section 21
All	Section 22
All	Section 23
All	Section 24
All	Section 25
All	Section 26
All	Section 27
All	Section 28

All	Section 29
E $\frac{1}{2}$	Section 30
E $\frac{1}{2}$ SW $\frac{1}{4}$	Section 31
All	Section 32
All	Section 33
All	Section 34
All	Section 35
NW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 36.

IN TOWNSHIP 35 North, Rge. 31 East.

All	Section 3
NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$	Section 4
All	Section 5
All	Section 6
NE $\frac{1}{4}$; SW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$	Section 7.
NE $\frac{1}{4}$	Section 8
All	Section 9
SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$	Section 10
NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 16
All	Section 17
All	Section 18
W $\frac{1}{2}$; SE $\frac{1}{4}$	Section 19
W $\frac{1}{2}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$	Section 20.
All	Section 30.

IN TOWNSHIP 25 North, Rge. 30 East.

All except E $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$	Section 12
All	Section 13

IN TOWNSHIP 26 North, Rge. 32 East.

All - south of Humboldt River	Section 6.
All	Section 7.
All - lying west of Humboldt River	Section 8.
All - lying west of Humboldt River	Section 17.
All	Section 18
All	Section 19.
All - lying west of Humboldt River	Section 20.
NW $\frac{1}{4}$	Section 30.

10. Use will begin about March 15th and end about September 15th of each year.

DESCRIPTION OF PROPOSED WORKS.

Water is to be diverted by means of a dam in the Humboldt River and existing ditches.

11. Estimated cost of works - \$800,000.00
12. Estimated time required to construct works - 18 months.
13. REMARKS: The Pershing County Water Conservation District of Nevada has entered into a contract for the purchase of the lands and water rights of ELLISON RANCHING COMPANY, a corporation, all as more fully set out and described in the attached Exhibit A. which is hereby referred to and by such reference made a part of this Petition.

It is the intention of the Pershing County Water Conservation District of Nevada to enter into a contract with the United States for the repayment of the construction cost of said dam at Rye Patch, Nevada, and for the purchase price of the above mentioned lands and water rights; as well as other lands and water rights upstream on the Humboldt River.

It is requested that the above application for permit to change said place of diversion and said places of use be granted, and that the order of the State Engineer granting the above application for Permit to so change said places of diversion and said places of use be conditioned upon the fulfillment of the provisions of the said contract for the purchase and sale of said lands from ELLISON RANCHING COMPANY, to the applicant and that such

order become effective upon the filing in the office of the State Engineer of a certified copy of the Deed conveying said lands and water rights to applicant.

Applicant: PERSHING COUNTY WATER CONSERVATION DISTRICT OF NEVADA.

By A. Jahn President.

By C. H. Jones Secretary.

STODDARD & JURGENSON
Attorneys for Applicant.

Compared: DM-CT

This sheet inspected _____
_____ Engineer.

Protested May 24, 1934 by Hibernia Savings & Loan Society, John E. Marble, Humboldt Land & Cattle Co., and Grayson W. Hinckley & Co.
Protested May 28, 1934 by Russell Land & Cattle Co., and W. E. Licking.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATIONS OF PERSHING COUNTY
WATER CONSERVATION DISTRICT OF NEVADA FOR PERMISSION
TO CHANGE THE POINTS OF DIVERSION AND PLACES OF USE
OF THE WATERS OF THE HUMBOLDT RIVER

Serial No. 9732

ORDER APPROVING APPLICATION

The above numbered application and the protests to the granting of the same filed by RUSSELL LAND & CATTLE COMPANY, a corporation, W. E. and WILLIAM LICKING, HIBERNIA SAVINGS & LOAN SOCIETY (Successor to X. RODWELL MEYER), JOHN E. MARBLE, GRAYSON W. HINCKLEY & COMPANY, a co-partnership, and HUMBOLDT LAND & CATTLE CO., a corporation, came on regularly for hearing before the State Engineer after due notice thereof having been first given pursuant to the provisions of the laws of Nevada, at Winnemucca, Nevada, on the 26th day of June, 1934, and oral and documentary evidence was presented at said hearing by the applicant and the respective protestants and the respective parties being of the opinion that the matter of the granting of the stipulation with certain restrictions could be disposed of by stipulation and the matter thereupon being continued by mutual consent of the respective parties and the respective parties having entered into stipulation for the granting of the application with certain limitations and under certain conditions and said stipulation having been signed by the respective parties and filed in the office of the State Engineer in the above matter, it is

ORDERED

That the above application for permit to change the points of diversion and places of use of the water and water rights appurtenant to the lands described in said application, excepting, however, the water and water rights appurtenant to the following tracts of land, to-wit:

Tract #1. $W\frac{1}{2}NW\frac{1}{4}$ Sec. 2, T. 35 N., R. 42 E. and $W\frac{1}{2}$ of Sec. 34, T. 36 N. R. 42 E., excepting 12 acres in N.E. corner of $NE\frac{1}{4}$ of $NW\frac{1}{4}$, containing 388 acres, more or less, with all water rights appurtenant thereto, comprising 1138.53 acre feet decreed to 379.51 acres of harvest crop lands and 5.82 acre feet decreed to 7.76 acres of diversified pasture lands, all with priority of 1880.

Tract #2. $SW\frac{1}{4}SW\frac{1}{4}$ Sec. 2 and $E\frac{1}{2}$ of Sec. 3, T. 35 N. R. 42 E., except a tract in the Southwest part of said Section 3, described as follows:

Beginning at a fence corner accepted as the $1/4$ section corner between Sections 3 and 10, T. 35, N. R. 42 E., and running thence S $89^{\circ} 41'$ E. along a fence line accepted as the line between said Sections 3 and 10, 1826 feet; thence N. $30^{\circ} 14'$ W. 1459 feet; thence N $16^{\circ} 14'$ W. 775 feet; thence N $10^{\circ} 00'$ W. 490 feet; thence N $75^{\circ} 43'$ W 458.3 feet; thence S. $88^{\circ} 00'$ W 285 feet to the intersection of a fence from Northeasterly with a North-and-South fence; thence S. $1^{\circ} 21'$ W. 2580.5 feet along a fence accepted as the center line of Section 3, to the place of beginning, containing 67.7 acres, more or less.

comprising 657.66 acre feet of water decreed to 219.22 acres of harvest crop lands, 8.52 acre feet of water decreed to 5.68 acres of meadow pasture lands, and 13.59 acre feet of water decreed to 18.12 acres of diversified pasture lands, all in the $E\frac{1}{2}$ of said Section 3, and all with priority of 1873. Also, in said $SW\frac{1}{4}SW\frac{1}{4}$ Sec. 2, all the water rights appurtenant thereto comprising 112.2 acre feet decreed to 37.40 acres of harvest crop lands, and 0.33 acre feet decreed to 0.44 acres of diversified pasture lands, all with priority of 1880.

be and said application for permit to change the points of diversion and places of use therein respectively described, is hereby granted subject to the following conditions;

(a) That the transferred water shall be used beneficially for the irrigation of the irrigable lands situate within the boundaries of the Pershing County Water Conservation District of Nevada as are shown and delineated upon the photostatic copy of a map hereunto attached, marked Exhibit A and by reference made a part of this Order and approval and in all cases where the water transferred is used upon lands within said district having a water right, that the combined use of the transferred water and the water right already existing for the irrigation of such lands, shall not exceed the maximum allowed as duty of water for such lands by decree.

(b) The water transferred shall not be stored and shall be diverted from the Humboldt River into the ditches now used for the irrigation of the lands within the Pershing County Water Conservation District of Nevada, the respective names of said ditches and points of diversion being as follows, to-wit:

Young Ditch - $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 21, Twp. 28 North, Range 32 E.

Old Channel, Southwest and Union Canal Ditches, -
At center of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 6, Township 27 North, Range 32 E.

Irish American Ditch - $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 7, Township 27 North, Range 32 E.

Rogers Ditch - Center of the $NE\frac{1}{4}$ of Section 24, Township 27 North, Range 31 E.

Lovelock Land & Development Co. Ditch - NW $\frac{1}{4}$ of
the NE $\frac{1}{4}$ of Section 11, Twp. 25
North, Range 31 E.

(c) There shall be deducted from the transferred water the transportation losses that occur as a result of the change of points of diversion and places of use.

(d) The water may be transferred during the irrigation season only and at such times when the same can be used beneficially upon the lands within said Pershing County Water Conservation District of Nevada.

(e) If any of the lands from which the water rights are herein allowed to be transferred are irrigated during any irrigation season by preventable diversion or overflow, then and in such event the quantity of water appurtenant to such lands shall be deducted from the amount of water to be transferred during such irrigation season.

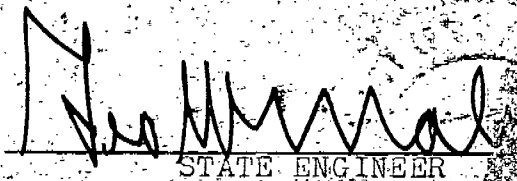
(f) This Order and permit for change of points of diversion and places of use shall not become effective for any purpose unless and until the Pershing County Water Conservation District or the United State of America shall have acquired the title to the lands described in the application, pursuant to which this Order is entered, and the District has, within six months from the date of the stipulation pursuant to which this Order is entered, conveyed or caused to be conveyed, to Protestants T.S. Cattle Co. and W. E. and William Licking the lands described in the Agreements and Stipulations on file herein (Serial Nos. 9729-9735, both inclusive), entered into between said Protestants and the District, together with the water rights appurtenant thereto, as therein provided; and the District has, within six months from the date of the Stipulation and Agreement entered into with Protestant Russel Land & Cattle Company, a corporation, on file herein (Serial Nos. 9729-9735, both inclusive), conveyed or caused to be conveyed to the Russell Land & Cattle Company, a corporation, the lands described in said Stipulation and Agreement, together with the water rights appurtenant thereto as therein provided.

Actual construction work shall begin on or before August 1, 1935, proof of commencement of work shall be filed before September 1, 1935, work must be prosecuted with reasonable diligence and be completed on or before August 1, 1937, proof of completion of work shall be filed on or before September 1, 1937. Application of water to beneficial use shall be made on or before September 1, 1937. Proof of Application of water to beneficial use must be filed with the State Engineer on or before October 1, 1937.

WITNESS my hand and seal this 8th day of October, 1934.

Proof of labor filed OCT 24 1935

Proof of completion of work filed JUL 27 1937


STATE ENGINEER

*abrogated
See 12952*